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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202705
Party	Defendant Grand Canyon Ranch
Correspondence Address	H JOHN RIZVI GOLD & RIZVI PA 11575 HERON BAY BLVD, SUITE 309 CORAL SPRINGS, FL 33076 UNITED STATES johnrizvi@ideaattorneys.com
Submission	Answer
Filer's Name	Thomas I. Rozsa
Filer's e-mail	amy@rozsaw.com
Signature	/Thomas I. Rozsa/
Date	12/29/2011
Attachments	Answer.GCRat Spirit.pdf ( 9 pages )(276133 bytes )

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3  
4 In the matter of the Trademark Application Serial No. 77/905,088 for "GRAND  
5 CANYON RANCH AT SPIRIT MOUNTAIN" published in the Official Gazette on July  
6 26, 2011

7 CR LICENSE, LLC )

8 ) Opposition No.: 91202705

9 Opposer, )

ANSWER TO NOTICE OF OPPOSITION

10 vs. )

11 GRAND CANYON RANCH, LLC )

12 Applicant. )

13 \_\_\_\_\_ )  
14 Commissioner for Trademarks  
15 Trademark Trial and Appeal Board  
16 P.O. Box 1451  
Alexandria, VA 22313-1451

17 **ANSWER TO NOTICE OF OPPOSITION**

18  
19 COMES NOW Applicant, GRAND CANYON RANCH, LLC (hereafter  
20 "Applicant") by and through its attorney and pursuant to Rule 2.114 of the Trademark  
21 Rules of Practice and Rule 8(b) of the Fed. R. Civ. P., and answers the Notice of  
22 Opposition (hereafter "Opposition") filed by CR LICENSE, LLC, a company organized  
23 and existing under the laws of Arizona and having its place of business at 8600 E.  
24 Rockcliff Road, Tucson, Arizona 85750 (hereafter "Opposer"), seeking to oppose the  
25 issuance of United States Trademark Application Serial No. 77/905,088 for "GRAND  
26 CANYON RANCH AT SPIRIT MOUNTAIN", and answers the Opposition as follows:  
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28

1           1.       Answering Paragraph 1 of the Opposition, Applicant admits the  
2 allegations of said Paragraph 1 of the Opposition.

3           2.       Answering Paragraph 2 of the Opposition, Applicant admits the  
4 allegations of said Paragraph 2 of the Opposition.

5           3.       Answering Paragraph 3 of the Opposition, Applicant has insufficient  
6 information and belief to admit or deny the allegations contained therein and basing its  
7 denial on that ground, denies each and every, all and singular, the allegations of said  
8 Paragraph 3 of the Opposition.

9           4.       Answering Paragraph 4 of the Opposition, Applicant has insufficient  
10 information and belief to admit or deny the allegations contained therein and basing its  
11 denial on that ground, denies each and every, all and singular, the allegations of said  
12 Paragraph 4 of the Opposition.

13           5.       Answering Paragraph 5 of the Opposition, Applicant has insufficient  
14 information and belief to admit or deny the allegations contained therein and basing its  
15 denial on that ground, denies each and every, all and singular, allegations of said  
16 Paragraph 5 of the Opposition.

17           6.       Answering Paragraph 6 of the Opposition, Applicant has insufficient  
18 information and belief to admit or deny the allegations contained therein and basing its  
19 denial on that ground, denies each and every, all and singular, the allegations of said  
20 Paragraph 6 of the Opposition.

21           7.       Answering Paragraph 7 of the Opposition, Applicant has insufficient  
22 information and belief to admit or deny the allegations contained therein and basing its  
23 denial on that ground, denies each and every, all and singular, the allegations of said  
24 Paragraph 7 of the Opposition.

1           8.       Answering Paragraph 8 of the Opposition, Applicant has insufficient  
2 information and belief to admit or deny the allegations contained therein and basing its  
3 denial on that ground, denies each and every, all and singular, the allegations of said  
4 Paragraph 8 of the Opposition.  
5

6           9.       Answering Paragraph 9 of the Opposition, Applicant denies each and  
7 every, all and singular, the allegations of said Paragraph 9 of the Opposition.

8           10.      Answering Paragraph 10 of the Opposition, Applicant denies each and  
9 every, all and singular, the allegations of said Paragraph 10 of the Opposition.  
10

11          11.      Answering Paragraph 11 of the Opposition, Applicant denies each and  
12 every, all and singular, the allegations of said Paragraph 11 of the Opposition.

13          12.      Answering Paragraph 12 of the Opposition, Applicant denies each and  
14 every, all and singular, the allegations of said Paragraph 12 of the Opposition.

15          13.      Answering Paragraph 13 of the Opposition, Applicant denies each and  
16 every, all and singular, the allegations of said Paragraph 13 of the Opposition.  
17

18          14.      Answering Paragraph 14 of the Opposition, Applicant admits the  
19 allegations of said Paragraph 14 of the Opposition.

20          15.      Answering Paragraph 15 of the Opposition, Applicant denies each and  
21 every, all and singular, the allegations of said Paragraph 15 of the Opposition.

22          16.      Answering Paragraph 16 of the Opposition, Applicant denies each and  
23 every, all and singular, the allegations of said Paragraph 16 of the Opposition.

24          17.      Answering Paragraph 17 of the Opposition, Applicant denies each and  
25 every, all and singular, the allegations of said Paragraph 17 of the Opposition.  
26

27          18.      Answering Paragraph 18 of the Opposition, Applicant denies each and  
28 every, all and singular, the allegations of said Paragraph 18 of the Opposition.

1           19.     Answering Paragraph 19 of the Opposition, Applicant denies each and  
2 every, all and singular, the allegations of said Paragraph 19 of the Opposition.

3           20.     Answering Paragraph 20 of the Opposition, Applicant denies each and  
4 every, all and singular, the allegations of said Paragraph 20 of the Opposition.

5           21.     Answering Paragraph 21 of the Opposition, Applicant denies each and  
6 every, all and singular, the allegations of said Paragraph 21 of the Opposition.

7           22.     Answering Paragraph 22 of the Opposition, Applicant denies each and  
8 every, all and singular, the allegations of said Paragraph 22 of the Opposition.

9           23.     Answering Paragraph 23 of the Opposition, Applicant denies each and  
10 every, all and singular, the allegations of said Paragraph 23 of the Opposition.

11           24.     Answering Paragraph 24 of the Opposition, Applicant denies each and  
12 every, all and singular, the allegations of said Paragraph 24 of the Opposition.

13                               **AFFIRMATIVE DEFENSES**

14                               **FIRST AFFIRMATIVE DEFENSE**

15           25.     As a first, separate and distinct affirmative defense to the Opposition and  
16 each claim stated therein, Applicant states that its entire mark is GRAND CANYON  
17 RANCH AT SPIRIT MOUNTAIN and the very distinctive design which consists of the  
18 wording GRAND CANYON RANCH AT SPIRIT MOUNTAIN in white with a stylized  
19 capital "R" in the word "RANCH" and the design of the "Grand Canyon" in the  
20 background in the colors light brown and black. To the left of the "Grand Canyon" is a  
21 metallic gray and black plate with the design of the "Grand Canyon" and plant designs  
22 and a symbol of a diamond shape with two horizontal bars affixed to the diamond, one  
23 extending away from the diamond with a slanted vertical bar intersecting the far end of  
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25  
26  
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28

1 the horizontal bar at an angle. Such a distinctive design clearly differentiates the  
2 Applicant's mark from the Opposer's mark and clearly there would be no likelihood of  
3 confusion between the two marks.  
4

5  
6 SECOND AFFIRMATIVE DEFENSE

7 26. As a second, separate and distinct affirmative defense to the Petition and  
8 each claim stated therein, Applicant states that it had to disclaim the exclusive right to  
9 use the descriptive phrase "GRAND CANYON RANCH". Therefore, "GRAND  
10 CANYON RANCH" is descriptive and it is the entire mark, with the design as set forth  
11 in the first affirmative defense, that is what has been registered and therefore it is totally  
12 distinct and distinctive from Opposer's marks.  
13

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15 THIRD AFFIRMATIVE DEFENSE

16 27. As a third, separate and distinct affirmative defense to the Opposition and  
17 each claim stated therein, Applicant states that it is essentially a provider of excursion  
18 arrangements for tourists in the Grand Canyon and recreational services in the nature of  
19 horse drawn wagon rides, horseback riding and helicopter tours, hiking and mountain  
20 biking, and providing temporary accommodations in association with these services. The  
21 services provided by the Opposer have nothing whatsoever to do with these same  
22 services except that they provide food and lodging services but Opposer's marks are  
23 primarily in the nature of spa services and health and fitness services. Therefore, the  
24 services provided by the Applicant and the Opposer are totally different.  
25  
26

27  
28 FOURTH AFFIRMATIVE DEFENSE

1           28. As a fourth, separate and distinct affirmative defense to the Opposition and  
2 each claim stated therein, Applicant states that the customer base of the Applicant are  
3 enthusiastic and energetic individuals who are seeking excitement through excursion  
4 arrangements including horseback rides, wagon rides and helicopter tours of the Grand  
5 Canyon and related wildlife facilities whereas customers of the Opposer are primarily  
6 individuals who are looking to just relax in a spa and not engage in too much  
7 extracurricular activity.  
8

9  
10                                   FIFTH AFFIRMATIVE DEFENSE  
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12           29. As a fifth, separate and distinct affirmative defense to the Opposition and  
13 each claim stated therein, the services provided by the Applicant and the services  
14 provided by the Opposer are so totally different that they appeal to totally different  
15 consumers who are seeking totally different experiences for their vacation and therefore,  
16 no one would confuse one organization with the other.  
17

18                                   SIXTH AFFIRMATIVE DEFENSE  
19

20           30. As a sixth, separate and distinct affirmative defense and each claim stated  
21 therein, Applicant alleges that the Applicant's mark and Opposer's mark can peacefully  
22 coexist in the marketplace.  
23

24                                   SEVENTH AFFIRMATIVE DEFENSE  
25

26           31. As a seventh, separate and distinct affirmative defense and each claim stated  
27 therein, Applicant alleges that the Opposition and each and every paragraph stated  
28 therein fails to state a cause of action against the Applicant.

EIGHTH AFFIRMATIVE DEFENSE

32. As an eighth, separate and distinct affirmative defense and each claim stated therein, Applicant alleges that the Opposer has sustained no damage, injury or prejudice as a result of the Applicant's application for "GRAND CANYON RANCH AT SPIRIT MOUNTAIN".

WHEREFORE, Applicant requests that the Opposition to Service Mark Application Serial No. 77/905,088 be denied and that Opposer take nothing by way of its Opposition.

If there is any charge required for the filing of this Answer to Notice of Opposition, the Commissioner of Patents and Trademarks is hereby authorized to charge my Deposit Account No. 18-2222 for the appropriate fee.

Please send all correspondence concerning this Opposition to Thomas I. Rozsa, at the address listed below.

Respectfully submitted,

Date: December 29, 2011




Thomas I. Rozsa  
Registration No. 29,210  
Attorney for Applicant  
GRAND CANYON RANCH, LLC  
18757 Burbank Boulevard, Suite 220  
Tarzana, California 91356-3346  
Telephone: (818) 783-0990  
Telecopier: (818) 783-0992

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the ANSWER TO NOTICE OF OPPOSITION,  
CERTIFICATE OF ELECTRONIC FILING and CERTIFICATE OF SERVICE are  
being filed electronically with the Trademark Trial and Appeal Board on December 29,  
2011.

Dated: December 29, 2011



Thomas I. Rozsa  
Registration No. 29,210  
Attorney For Applicant

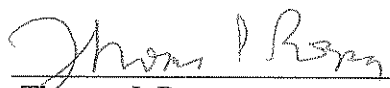
In Re Opposition No. 91202705

CERTIFICATE OF SERVICE

I hereby certify that a copy of the document entitled ANSWER TO NOTICE OF  
OPPOSITION was sent on December 29, 2011 via first class mail, postage prepaid, to the  
attorneys for the Opposers at the following address:

Jennifer A. Van Kirk  
Flavia Campbell  
LEWIS and ROCA LLP  
40 North Central Avenue  
Phoenix, Arizona 85004-4429

Dated: December 29, 2011

  
Thomas I. Rozsa  
Registration No. 29,210

In Re Opposition No. 91202705

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